

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**Maldjian & Fallon LLC**  
Brian M. Gaynor (BG 0387)  
365 Broad Street, Third Floor  
Red Bank, New Jersey 07710  
Attorneys for Defendant,  
Marcos Falchi

---

Cyber Champion International, Ltd.

Case No.: 07 CIV 9503 (LAK)

vs.

Carlos Falchi, Marcos Falchi, and  
XYZ Companies

---

**DECLARATION OF BRIAN M. GAYNOR, ESQ. IN SUPPORT OF DEFENDANT'S  
MOTION TO DISMISS**

Brian M. Gaynor, Esq. being sworn, states:

1. I am an associate attorney with Maldjian & Fallon, LLC, and the attorney for the defendant in this action and I am fully familiar with all of the records and proceedings in this action.
2. Attached hereto as Exhibit "A" is a copy of Plaintiff's Summons and Complaint, with exhibits attached thereto.
3. Attached hereto as Exhibit "B" are copies of the United States Patent and Trademark Office ("USPTO") records of Defendant Marcos Falchi's U.S. Trademark Application Serial Nos. 78331576 and 77057413 for CHI BY FALCHI, obtained from the

USPTO Trademark Electronic Search System ("TESS"), and Trademark Applications and Registrations Retrieval ("TARR").

Dated: Red Bank, New Jersey  
January 17, 2008

  
Brian M. Gaynor